

REMARKS

Claims 1-61 have been cancelled without prejudice or disclaimer. New Claim 62-81 have been added.

Restriction Requirement

Applicants hereby elect, with traverse, to prosecute Group II, which includes and is drawn to new Claims 63-81, which correspond to original Claim 3. Further, Applicants elect, with traverse, to prosecute claims related to the polynucleotide sequences encoding the polypeptide sequence of SEQ ID NO:5, which sequences include SEQ ID NO:6.

Applicants traverse both the restriction requirement and the obligation to elect a single sequence for prosecution which were imposed in the Office Action mailed October 3, 2003 for at least the following reasons.

Applicants reserve the right to prosecute the subject matter of non-elected claims in subsequent divisional applications.

No Undue Burden

Applicants submit that the invention encompassed by the claims of Group II, (drawn to polynucleotides and uses thereof) could be examined at the same time as the invention encompassed by the claims of Group I (polypeptides) without undue burden on the Examiner. For example, a search of the prior art to determine the novelty of the polynucleotides of Group II would reveal information regarding the novelty of the polypeptides of Group I.

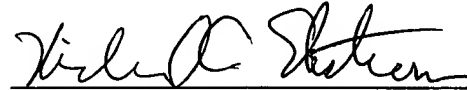
Therefore, Applicants respectfully request that the Examiner withdraw the Restriction Requirement and examine all the claims in a single application.

Applicants believe that no fee is due with this communication. However, if the USPTO determines that a fee is due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,

INCYTE CORPORATION

Date: 03 November 2003

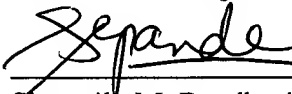


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Date: November 3, 2003



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Limited Recognition (37 C.F.R. § 10.9(b)) attached

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